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Section III: REMARKS

It is respectfully requested that the changes as noted above in Sections I and II be made to the present application.

In the above-referenced Office Action, which was mailed on 8/10/2004, claims 1-21, 28-38 and 40-46 were rejected under 35 USC 102(e) as being anticipated by Shwartz (Publication US 2001/0044787 A1, hereinafter referred to as "Shwartz"), and claims 22-27 and 39 were rejected under 35 USC 103(a) as being unpatentable over a combination of Shwartz in view of Webb (Publication US 2002/0143564 A1, hereinafter referred to as "Webb"). Those rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims for clarification purposes to place them in better condition for allowance or appeal.

The present invention provides a method, medium and system for guaranteeing a transaction between a user and an enterprise using an anonymous email. The method includes issuing an anonymous email address from a guarantor to the user, storing the anonymous email address in a portable processing device such as a smart card in one example, reading the anonymous email address from the portable processing device by the enterprise, communicating with the guarantor by the enterprise using only the anonymous email address, and providing authorization from the guarantor to the enterprise for the transaction of the user.

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The Shwartz reference discloses a computer implemented technique for facilitating secure electronic transactions by monitoring internet browser activity of a user and, upon demand of the user, mediates communication between the user and electronic commerce sites over the internet. There is no disclosure, teaching or even suggestion in Shwartz for the issuing of an email address by a guarantor and storing of that email in a portable processing device such as a smart card, and then reading the email from the card by an enterprise and using the email to establish a communication between the enterprise and the guarantor, and then receiving authorization from the guarantor to the enterprise for the user transaction.

Initially, the rejection of the claims under 35 USC 102(e) over Shwartz is traversed because it is admitted in the Office Action (page 3, line 7) that "Shwartz does not specifically disclose anonymous email" (a specified element in the claims), and yet the noted claims were rejected as being anticipated by Shwartz with the statement that "it would have been obvious to one of ordinary skill in the art to have provided the method and system of Shwartz with an anonymous email". It is submitted that the rejection of claims 1-21, 28-38 and 40-46 under 35 USC 102(e) over Shwartz is improper since Shwartz admittedly does not disclose or teach the use of an anonymous email address as specifically set forth in the claims. The use of an assigned anonymous email is included in all of the claims of the present application and it is submitted that all of the claims cannot be rejected as being anticipated by a reference that admittedly lacks a key and recited element.

Still further, Shwartz discloses a third party payment system in which the third party monitors the browser activity of the user and upon demand of the user over the internet, the third party

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mediates communication between the consumer and electronic commerce sites. All of the transactions of Shwartz are "online" and executed during an internet session. By contrast, the applicant's system recites the storing of an anonymous email address on a portable processing device and the reading of that anonymous email address by an enterprise system. There is nothing in Swartz that corresponds to that operation.

Still further, applicant's system uses the email address once read, to communicate with the guarantor regarding a specific transaction about to be undertaken by the user. There is nothing in Swartz that corresponds to that operation.

In view of the above noted distinctions, all of the independent claims currently under consideration, i.e. independent claims 1, 10, 19, 20, 33 and 46, have herein been amended to clearly recite issuing an anonymous email address from a guarantor to the user, storing the anonymous email address in a portable processing device, reading the anonymous email address from the portable processing device by the enterprise, communicating with the guarantor by the enterprise using only the anonymous email address, and providing authorization from the guarantor to the enterprise for the transaction of the user. Since Shwartz lacks several of the recited elements and also lack several of the recited relationships among the recited elements as hereinbefore explained in detail, it is submitted that independent claims 1, 10, 19, 20, 33 and 46 are clearly allowable under 35 USC 102(e) over Shwartz. Further, since claims 2-9, 11-18, 21, 28-32, 34-38 and 40-45 are ultimately dependent upon one of the amended independent claims and include all of the limitations of the parent independent claim in addition to even further distinctions recited in the individual dependent claims themselves, it is submitted that all of claims 1-21, 28-38 and 40-46, as herein

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amended, are clearly allowable under 35 USC 102(e) over Shwartz.

With regard to the rejection of claims 22-27 and 39 under 35 USC 103(a) as being unpatentable over Shwartz in view of Webb, it is noted that claims 22-27 and 39 are dependent claims which ultimately depend from, and include all of the limitations of, one of the amended independent claims as noted above, in addition to the further recitations of the individual dependent claims themselves. It is further noted that there is nothing in either reference suggesting the proposed hypothetical combination of Shwartz and Webb (in fact, it is submitted that such a hypothetical combination would render each reference inoperable for its respective intended purpose) and the only suggestion for such combination is the applicant's own disclosure which cannot be used to reject applicant's own claims.

Further, the secondary Webb reference discloses a method of home maintenance which, over the internet or other communication link, tracks household inventory items and related maintenance tasks for a user in a calendaring system and inventory system. Webb, like Shwartz, does not disclose the recited elements of applicant's independent claims including issuing an anonymous email address from a guarantor to the user, storing the anonymous email address in a portable processing device, reading the anonymous email address from the portable processing device by the enterprise, communicating with the guarantor by the enterprise using only the anonymous email address, and providing authorization from the guarantor to the enterprise for the transaction of the user. Thus, neither Shwartz nor Webb nor the combination of Shwartz and Webb, discloses the specific combinations as presently set forth in claims 22-27 and 39, which include the recitations present in the corresponding amended parent independent claims, it is submitted that claims 22-27 and

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39 are allowable under 35 USC 103(a) over Shwartz and Webb, taken individually or in combination.

Thus, it is submitted that claims 1-46, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, and especially if one or more new references are cited, the Examiner is invited to contact the undersigned at the telephone number indicated below, prior to the issuance of another Office Action, in order to allow the applicant the opportunity to further amend the claims by Supplemental Amendment or Examiner's Amendment, as may be appropriate, to place the claims in condition for allowance. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

Robert V. Wilder

Robert V. Wilder (Tel: 512-246-8555)
Registration No. 26,352
Attorney for Applicants
4235 Kingsburg Drive
Round Rock, Texas 78681